

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/600,125	WARRINGTON ET AL.	
	Examiner	Art Unit	
	Frederick F. Krass	1614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment dated 5-10-04.
2.  The allowed claim(s) is/are 52-77 and 80-106.
3.  The drawings filed on 10 April 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 6-4-04
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patricia Power on 6-4-04.

The following changes have been made:

- 1) Claims 52, 53, 55, 65, second line of each claim, in each instance immediately after "administering" there has been inserted ---, before, after or concurrently with said drug, ---
- 2) Claim 52, penultimate line, claim 53, last line, and claims 55, 67 and 70, third-to-last line of each claim, in each instance "and" has been deleted and replaced by ---, or ---
- 3) Claim 67, second line, immediately between "and" and "an" there has been inserted ---, before, after or concurrently with said drug, ---

4) Claim 70, second line, immediately after "comprising" there has been inserted

--- a combination of effective amounts of ---

5) Claim 70, second line, "an effective amount of" has been deleted.

6) Claim 80, first line, immediately after "comprising" there has been inserted --- a combination of effective amounts of ---

7) Claims 91-93, penultimate line of each claim, in each instance "the" has been deleted.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

The prior art of record does not fairly suggest, teach or disclose pharmaceutical compositions comprising combinations of the particular claimed aliphatic propargylamines and antineoplastic drugs; nor could it have been predicted that these proparglyamines would enhance the activity and/or lower the toxicity of those drugs.

The examiner additionally notes that the fact these propargylamines would be useful in cancer therapy is all the more expected given that the prior art used them to *inhibit* apoptosis. See for example USP 5,840,979, which would actually direct one away from treating cancer, where induction of apoptosis would be desired.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick F. Krass whose telephone number is 571-272-0580. The examiner's schedule is as follows:

Monday: 6:30-3:00PM;  
Tuesday: 10-6:30PM;  
Wednesday: off;  
Thursday: 10-6:30PM; and  
Friday: 10-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seidel Marianne, can be reached on 571-272-0584. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

Frederick Krass  
Primary Examiner  
Art Unit 1614

